REMARKS

Claims 1-22 are pending in this application. By this Amendment, claims 1, 9, and 16 have been amended. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicants do not acquiesce in the correctness of the objections and rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the above amendments and following remarks is respectfully requested.

In the Office Action, claims 16-22 are rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. Applicants have amended claim 16 to include a tangible computer useable storage medium. Accordingly, Applicants assert that claim 16, as amended, complies with the Office's interpretation of statutory subject matter. Applicants respectfully request withdrawal of this rejection.

In the Office Action, claims 1-22 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kagan et al. (US Publ. No. 2002/0152315) and further in view of Elzur (US Publ. No. 2003/0172342). Applicants respectfully traverse the Office's rejection on the following grounds.

With respect to independent claims 1, 9, and 16, Applicants assert that neither Kagan nor Elzur teach or suggest each and every element of the claimed invention. For example, Applicants assert that the references do not disclose "placing each out-of-order RDMA message to a reassembly buffer, wherein each in-order RDMA message bypasses the reassembly buffer

and is placed in a destination buffer; storing information regarding each out-of-order RDMA message on a per TCP hole basis, wherein a TCP hole is a vacancy created in a TCP stream as a result of an out-of-order TCP segment," as recited in claim 1 and similarly recited in claims 9 and 16. The Office asserts that "Kagan discloses storing information regarding each out-of-order RDMA message on a per TCP hole basis" and cites to paragraphs [0024] and [0046]. See, Office Action, page 3. However, Applicants assert that Kagan does not disclose any differentiation between in-order and out-of-order RDMA messages. Kagan does not teach of suggest placing out-of-order RDMA messages in a reassembly buffer, while placing in-order RDMA messages in a destination buffer. Further, Kagan does not disclose storing information regarding each out-of-order RDMA message on a per TCP hole basis. In fact, Applicants assert that there is no reference in Kagan to a TCP hole. As such, Kagan does not teach storing information regarding each out-of-order RDMA message on a per TCP hole basis or delivering the plurality of RDMA message in-order, as asserted by the Office.

Moreover, Applicants also assert that Elruz does not teach these features of the claimed invention. Elruz does not disclose placing out-of-order RDMA messages in a reassembly buffer, while placing in-order RDMA messages in a destination buffer. Rather, Elruz teaches that a TCP segment may be processed, regardless of whether it is in order or out of order, as long as there is a marker. "Even a TCP segment that has been received out of order, but carries a marker, can be processed for placing the ULP data it contains since the market points to the framing header." See, Elruz, paragraph [0041].

In addition to the arguments presented above, Applicants assert that both references do not teach or suggest the feature of "delivering a plurality of RDMA messages." Claims 1, 9, and

16. Rather, Kagan is directed to reliable message transmission through the use of a descriptor to define the message and properly resuming transmission of the message if there is an interruption. See, Kagan, title and Abstract. Elzur is directed to identifying upper layer protocol message boundaries. See, Elzur, title and Abstract. Therefore, Applicants assert that these references do not disclose delivering a plurality of RDMA messages.

In light of these arguments, Applicants maintain that Kagan and Elzur, individually or in combination thereof, do not teach or suggest each and every element of the claimed invention. Accordingly, Applicants assert that claims 1, 9, and 16 are in condition for allowance and request withdrawal of the rejection.

With regard to the Office's other arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims listed above. In addition, Applicants submit that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these rejections individually, but reserve the right to do so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

CONCLUSION

In view of the foregoing arguments, Applicants respectfully submit that the application is in condition for allowance. Should the Examiner believe that anything further is necessary to place the application in better condition for allowance, he is requested to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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